

***United States Court of Appeals
for the Second Circuit***



APPELLEE'S BRIEF

8-16

75-7682



In The
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ROBERT CALHOUN, JR.,

Plaintiff-Appellant,

- against -

H. SPENCER KUPPERMAN, ESQ., CRAVATH, SWAINE
& MOORE, its agents and others, THACHER, PROFFITT,
PRIZER, CRAWLEY & WOOD, its agents and others,
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, its agents,
MICHAEL H. DIAMOND, HENRY P. BAER, J. PHILLIP
ADAMS, PEGGY L. KERR, and others, FREEMAN, MEADE,
WASSERMAN & SHARFMAN, its agents and others.

Defendant-Appellees.

On Appeal from the United States District Court
For the Southern District of New York

BRIEF OF DEFENDANT-APPELLEE
FREEMAN, MEADE, WASSERMAN & SHARFMAN

Freeman, Meade, Wasserman,
Sharfman & Schneider
551 Fifth Avenue
New York, New York 10017
(212) 697-6464

Pro Se

STATEMENT OF THE CASE

Plaintiff-Appellant is the husband of Alice M. Calhoun, the plaintiff in another action instituted against Riverside Research Institute ("Riverside") and Columbia University under Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.) to recover damages and other relief for alleged racial discrimination in her employment at Riverside (Calhoun v. Riverside Research Institute, 71 Civ. 2734). Our firm assumed the representation of Riverside in Mrs. Calhoun's suit from Cravath, Swaine & Moore in April 1972. That suit was voluntarily dismissed in June 1974, pursuant to a settlement accomplished under the auspices of Hon. Whitman Knapp, District Judge, in the presence, and with the approval, of Mrs. Calhoun, her attorneys, counsel for defendant Riverside, Judge Knapp and plaintiff-appellant.

In this action, plaintiff-appellant in his own right seeks to recover damages against the attorneys who appeared in his wife's suit with the fanciful assertion that the attorneys conspired to deprive his wife of a just claim. Upon motion of the defendant-appellees, Judge Duffy dismissed the complaint for failure to state a claim in an order dated November 11, 1975. This appeal is from Judge Duffy's order.

ARGUMENT

It is respectfully submitted that, for the reasons set forth in the brief of defendant-appellee Skadden, Arps, Slate, Meagher & Flom, the judgment appealed from should be affirmed. With that firm's permission, we adopt its brief to be considered as our own on this appeal.

August 13, 1976

Freeman, Meade, Wasserman,
Sharfman & Schneider

Pro Se

Richard M. Sharfman,
Of Counsel

UNITED STATES COURT OF APPEALS
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Plaintiff-Appellant,

- against -

H. SPENCER KUPPERMAN, ESQ., CRAVATH, SWAINE
& MOORE, its agents and others, THACHER,
PRFFITT, PRIZER, CRAWLEY & WOOD, its agents
and others, SKADDEN, ARPS, SLATE, MEAGHER &
FLOM, its agents, MICHAEL H. DIAMOND, HENRY
P. BAER, J. PHILLIP ADAMS, PEGGY L. KERR, and
others, FREEMAN, MEADE, WASSERMAN & SHARFMAN,
its agents and others,

Defendant-Appellees.

AFFIDAVIT
OF
SERVICE

STATE OF NEW YORK

COUNTY OF NEW YORK

J. OWEN ZURHELLEN, III, being duly sworn deposes and says:

That on the 16th day of August, 1976, I served copies
of the brief of Defendant-Appellees, Freeman, Meade, Wasserman
& Sharfman upon the other parties or their attorneys by mailing
copies to the following addresses:

Cravath, Swaine & Moore
1 Chase Manhattan Plaza
New York, New York 10005

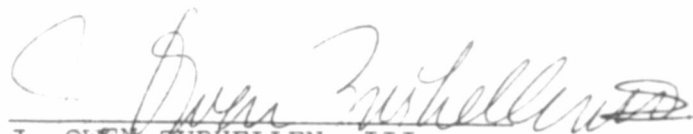
H. Spencer Kupperman, Esq.
288 Bergen Street
Brooklyn, New York 11217

Robert Calhoun, Jr.
111-11 132nd Street
Jamaica, New York 11420

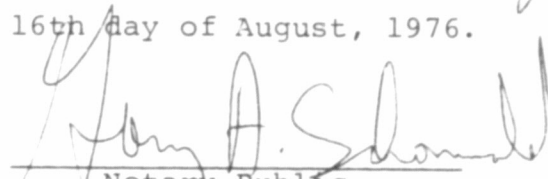
Skadden, Arps, Slate, Meagher
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919 Third Avenue
New York, New York 10022

Thacher, Profitt & Wood
40 Wall Street
New York, New York 10005

Service as aforesaid is timely in view of the fact that
plaintiff's brief was served by mail on July 13, 1976.


J. OWEN ZURHELLEN, III

Sworn to before me this
16th day of August, 1976.


Notary Public

GARY A. SCHONWALD
Notary Public, State of New York
No. 21-8841600
Qualified in New York County
Commission Expires March 29, 1978